



City of Lowell
Temporary Outdoor Expansion for Restaurants

About the program

- Lowell is creating a temporary program to expand options for restaurants to operate in outdoor patio settings adjacent to their businesses
- The intent of the program is to allow for greater physical distancing and safety for restaurant patrons when public health orders allow restaurants to resume sit-down service.
- Final rules and regulations are in development. Here is a draft ordinance for review: <http://www.lowellma.gov/AgendaCenter/ViewFile/Item/12628?fileID=25836>. This Ordinance is scheduled to be voted on by the Lowell City Council on Tuesday, June 9, 2020.
- Although Governor Baker has not set a reopening date for restaurants, the City is starting the application process now so that we can better manage the volume of applications that are expected to be received citywide.

FAQs

- 1. Where do I go to apply or find more information?**
<http://lowellma.gov/1463/Temporary-Outdoor-Seating> or contact Development Services at 978-674-4144
- 2. What is this program about?**
Lowell's temporary outdoor expansion program offers restaurants in the City an opportunity to expand their footprints to create more social distancing. The goal is to create a streamlined permitting process, while ensuring that mobility and safety remain top priorities.
- 3. Who is eligible?**
Restaurants, cafes, coffee shops, and other similar places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption.
- 4. When will people be able to apply for a temporary outdoor expansion?**
Final rules and regulations are still in development (anticipated Ordinance vote on 6/9/2020), however, City staff will begin reviewing proposals immediately. Outdoor areas

cannot be opened for sit-down service until allowed by local (ordinance vote) and state public officials (Governor Baker Reopening MA Plan).

5. How long does this program last?

Businesses will be able to use the temporary outdoor space for the public through October 31, 2020, which is typically viewed as the end of the outdoor dining season in Lowell.

6. What are the allowed hours of operation for the temporary outdoor expansion?

Outdoor seating areas opened under this program must close by 10PM on Sundays – Thursdays and by 11PM on Fridays and Saturdays. The hours of operation of those establishments licensed to sell alcoholic beverages shall be determined by the License Commission of the City of Lowell and will be incorporated into the license agreement for the use of the sidewalk café or streatory.

Note: These hours apply to the new, temporary outdoor patio space only. Existing outdoor seating areas may have different hours.

7. Can I erect/build/install furniture, tents, railings, etc.?

The outdoor area may include temporary tables, benches, chairs, and shade devices and other means if containment and separation between patrons and public. The installation of temporary tents will be permitted as part of this application if the tent is secure and no greater than 400 SQ FT. Tents larger than 400 SQ FT, or if they include sides or flaps, may be installed but will require additional approval by the Lowell Fire Department and Division of Development Services.

8. Can these patios be used for standing areas, games, movies, broadcast sports, etc?

No, outdoor seating areas established or expanded under this program can only be used for sit-down dining.

9. What if public health guidelines for COVID-19 change? Can this approval be revoked?

Requirements may evolve to reflect new public health guidelines and the City can revoke these approvals at any time, particularly if there is an increase in COVID-19 cases tied to any of these locations.

10. Can I close a parking lot, or use some spaces in a parking lot for this program?

It depends. The property must be located in the appropriate zoning district (see response to Question #14). Creation of an outdoor space on a different private property other than the one where your business is located requires the other property owner's consent.

11. If I don't have any outdoor space to use, can I use a neighbor's parking lot or open area?

It depends. See response to Question #10.

12. Can I share outdoor space with another restaurant?

No, this is not allowed because it will make performing contract tracing very difficult. Business must maintain control of all operations and food and beverage service within their outdoor premises.

13. Do I need to provide additional parking for the new expanded area of my restaurant?

No.

14. What zoning districts are allowed?

Subject to other restrictions, sidewalk cafes and streateries in City right-of-way (ROW) are permissible in four zoning districts: Neighborhood Business (NB), Traditional Mixed-Use (TMU), Urban Mixed-Use (UMU), and Downtown Mixed-Use (DMU). Outdoor dining on private property is permissible in all zoning districts with eligible businesses.

15. Do I need additional permits from Division of Development Services or from the Lowell Fire Department?

In most cases, no. Additional permits will be required (and fees will not be waived) for the installation of tents larger than 400 SQ FT, installation of tents with sides and/or flaps, increasing the restaurant's current occupant load, or installing a fence or barrier that is over 6' in height.

16. Do I need to amend my liquor license?

Yes. You can contact the Lowell License Commission at 978-970-4156.

17. I already have an approved outdoor seating area? Do I need to apply under this program?

No. This program does not impact establishments that currently have a license agreement for sidewalk seating. This program applies for restaurants that do not have a current license agreement or are looking to expand the footprint of their outdoor seating areas.

May 26, 2020